

injury may decrease as a...

SPEAKER BARRETT: One minute.

SENATOR PIRSCH: ...result of officers responding to fewer second and third calls which may get more and more violent to the same residence. This is what we are attempting to get at, prevention, to defuse that domestic violence situation and see that that person who is doing the violence gets literally forced to deal with themselves and their anger and their violent behavior, and that is what we are trying to do by giving that discretion to the law enforcement officer. Thank you.

SPEAKER BARRETT: Senator Chambers, followed by Senators Kristensen and Crosby.

SENATOR CHAMBERS: Mr. Clerk and members of the Legislature, I would like to ask Senator Kristensen a question or two if he will indulge me.

SPEAKER BARRETT: Senator Kristensen.

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: Senator Kristensen, under the current state of the law without this amendment, can an officer make a warrantless arrest in certain cases where a misdemeanor is involved?

SENATOR KRISTENSEN: Yes, he can.

SENATOR CHAMBERS: The sentence that I'm going to strike says, threatening another in a menacing manner, is that from the existing assault statutes?

SENATOR KRISTENSEN: Right, that's the third degree assault. That's your bottom misdemeanor assault statutes.

SENATOR CHAMBERS: And if that is done currently, can an officer make an arrest if it occurs in the household as this amendment is trying to touch on?

SENATOR KRISTENSEN: Yes, he can go ahead and still make that arrest based on the existing statutes that we have providing he finds that there could be cause for injury or damage unless he